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| 10/634,360  | 08/05/2003  | Albert Elcock        | D03112              | 8914             |
| 43471   | 7550        | 05/30/2008           | EXAMINER            |                  |
| Motorola, Inc.<br>Law Department<br>1303 East Algonquin Road<br>3rd Floor<br>Schaumburg, IL 60196 |             |                      | BANTAMOL, ANTHONY   |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2623                |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Schaumburg@motorola.com  
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### Office Action Summary

**Application No.**

10/634,360

**Applicant(s)**

ELCOCK ET AL.

**Examiner**

ANTHONY BANTAMOI

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 8-14, 16-17 and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Aristides et al US Patent 5,630,119 (hereafter referenced as Aristide).

Regarding claim 1, Aristides discloses a set top box for displaying an EPG in a television broadcast network with a headend unit wherein the set top box allows user to request EPG data stored in local memory of set top box which reads on "data entry interface for receiving an input of a program request; memory for receiving said electronic program guide from said head end" (column 5, 60-67), further, Aristides discloses searching locally stored EPG information for user request to be displayed on television wherein if request is not found set top box sends request to the head end for the missing data which reads on "and search means for searching said electronic program guide for said program request, wherein if said program request is not in said memory, said search means sends said program request to said head end" (column 6, 31-34).

Regarding claim 2, Aristides disclose a handheld remote control as means for transmitting user request to set top box which reads on “the end user device, wherein said data entry interface comprises at least one of a radio frequency receiver to receive a signal from a wireless remote control, an infrared receiver to receive a signal from a wireless remote control, an universal serial bus interface, or keyboard interface” (column 4, 5-7).

Regarding claim 3, Aristides discloses a communication interface in the form of a two sided arrow connected to the set top box via the transceiver for receiving and sending request which reads on “the end user device further comprising a data port” (figure 5).

Regarding claim 4, Aristides discloses that the network interfacing the set top box and head end unit in figure 1 is a fiber cable network which reads on “the end user device, wherein said data port comprises at least one of a universal serial bus interface, a firewire interface, an Ethernet interface, a coaxial cable interface, or an optical interface” (column 3, 6-12).

Regarding claim 5, Aristides disclose a headend unit comprising a data server where EPG information is stored to be sent to update EPG stored on set top box which reads on “a first memory for storing an electronic program guide, said electronic program guide being sent from said first memory to said end user device” (figure 1, 70), further, Aristides discloses the server comprising a second memory to store most frequently requested EPG information that are not found in set top box EPG memory which reads on “and a second memory for receiving a

program request from said end user device that is not in the electronic program guide in the end user device" (column 6, 43-53).

Regarding claim 6, Aristides discloses a data server configured to receive and process set top box request of missing EPG data in local memory sent to headend unit and sending the missing request and other future needed information to set top box as an update which reads on "the head end further comprising an interactive server, said interactive server receiving said program request not in said electronic program guide from said end user device, said interactive server selectively adding said program request to one of said electronic program guide or extended database schedule in response to the quantity of cumulative requests for said program request not in said electronic program guide" (figure 1, 70).

Regarding claim 8, Aristides discloses a system for displaying an EPG comprising a set top box for receiving and searching for user request for EPG information in memory, coupled to a headend unit which reads on "an end user device, said end user device receiving a program request to query an electronic program guide; and a head end coupled to said end user device, said head end supplying an electronic program guide to said end user device, said end user device searching said electronic program guide for said program request," (figure 1), in addition Aristides discloses a set top terminal is capable of requesting EPG update from headend if EPG information requested was not found in set top box memory which reads "wherein if said program request is not in said electronic

program guide said end user device sends said program request to said head end" (column 6, 31-38).

Regarding claim 9, Aristides discloses a set top box comprising a data processor for processing the EPG data which reads on "a processor, said processor managing interaction with said electronic program guide" (figure 5), in addition Aristides discloses transceiver configured to receive and transmit television broadcast signals which reads on " a tuner coupled to said processor, said tuner receiving said program in said request if the program in the request is currently being transmitted from the head end" (figure 5 and column 6, 31-38), further, Aristides discloses a RAM and ROM memory coupled to set top box wherein the RAM is used for storing EPG information which reads on "and one or more storage devices coupled to said processor, said one or more storage devices storing an electronic program guide and the program request not in said electronic program guide" (figure 5).

Regarding claim 10, Aristides discloses a communication interface in the form of a two sided arrow connected to the set top box via the transceiver for receiving and sending request which reads on "the system further comprising an input port coupled to said processor" (figure 5).

Regarding claim 11, Aristides disclose a handheld remote control as means for transmitting user request to set top box which reads on "the system, wherein said input port comprises at least one of a radio frequency receiver to receive a signal from a wireless remote control, an infrared receiver to receive a

signal from a wireless remote control, an universal serial bus interface, or keyboard interface" (column 4, 5-7).

Regarding claim 12, Aristides discloses a communication interface in the form of a two sided arrow connected to the set top box via the transceiver for receiving and sending request which reads on "the system, wherein said end user device further comprises a data port" (figure 5).

Regarding claim 13, Aristides discloses that the network interfacing the set top box and head end unit in figure 1 is a fiber cable network which reads on "the system, wherein said data port comprises at least one of a universal serial bus interface, a firewire interface, an Ethernet interface, a coaxial cable interface, or an optical interface" (column 3, 6-12).

Regarding claim 14, Aristides discloses a data server configured to receive and process set top box request of missing EPG data in local memory sent to headend unit and sending the missing request and other future needed information to set top box as an update which reads on "the system, wherein said head end comprises an interactive server, said interactive server receiving said program request not in said electronic program guide from said end user device, said interactive server selectively adding said program request to one of said electronic program guide or extended database schedule in response to the quantity of cumulative requests for said program request not is said electronic program guide" (figure 1, 70).

Regarding claim 16, Aristides discloses a set top box coupled to a television device which reads on "the system of claim 8 further comprising a monitor display coupled to said end user device" (figure 1).

Regarding claim 17, Aristides discloses a set top box coupled to a television device which reads on "the system further comprising a television display coupled to said end user device" (figure 1).

Regarding claim 19, Aristides discloses a set top box coupled to a television device which reads on "the system further comprising an audio output device coupled to said end user device" (figure 1).

Regarding claim 20, Aristides discloses a system for displaying an EPG comprising a set top box for receiving and searching for user request for EPG information in memory, coupled to a headend unit wherein the set top terminal is capable of requesting EPG update from headend if EPG information requested was not found in set top box memory which reads "wherein if said program request is not in said electronic program guide said end user device sends said program request to said head end or a miss indication, said miss indication providing data indicating that said request was not found in said electronic program guide; and selectively adding said request of said miss indication to at least one of said electronic program guide or extended database in response to a quantity of said miss indications for said request" (column 6, 19-42).

Regarding claim 21, Aristides disclose a handheld remote control as means for transmitting user request to set top box which reads on "the method



further comprising the step of receiving said request from at least one of a wireless remote control, a universal serial bus port interface, a keyboard, a firewire interface, an Ethernet interface" (column 4, 5-7).

Regarding claim 22, Aristides discloses searching locally stored EPG information for user request to be displayed on television wherein if request is not found set top box sends request to the head end for the missing data which reads on " the method further comprising a step of updating said electronic program guide" (column 6, 31-34).

Regarding claim 23, Aristides discloses updating most requested EPG information as needed to reflect correct responses which reads on "the method further comprising a step of updating said extended database" (column 6, 47-50).

Regarding claim 24, Aristides discloses receiving an electronic program guide via set top box which reads on "the method further comprising a step of receiving said electronic program guide" (column 6, 19-42).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aristides, in view of West et al US Patent 6,971,121 (hereafter referenced as West).

Regarding claim 7, Aristides discloses a headend unit consisting of a data service server configured to receive missing EPG information from set top box and updating EPG stored on set top box which reads on "interactive server receiving said program request not in said electronic program guide from said head end, and selectively adding said program request to one of said electronic program guide or extended database schedule in said head end in response to the quantity of cumulative requests for said program request not in said electronic program guide" (column 6, 19-42). However, Aristides is silent about the headend further comprising an interface for communicating with an external interactive server. West discloses a video-on-demand server externally connected to a head end unit to handle user requests which reads on "headend further comprising an interface for communicating with an external interactive server" (column 9, 39-44).

Because the server of Aristides and West both handle user requests, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute one server for the other to obtain a predictable user request handling system.

Regarding claim 15, Aristides discloses a headend unit consisting of a data service server configured to receive missing EPG information from set top box and updating EPG stored on set top box which reads on "interactive server receiving said program request not in said electronic program guide from said head end, and selectively adding said program request to one of said electronic

program guide or extended database schedule in said head end in response to the quantity of cumulative requests for said program request not is said electronic program guide" (column 6, 19-42). However, Aristides is silent about the system further comprising an external interactive server. West discloses a video-on-demand server externally connected to a head end unit to handle user requests which reads on "the system further comprising an external interactive server" (column 9, 39-44).

Because the server of Aristides and West both handle user requests, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute one server for the other to obtain a predictable user request handling system.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aristides, in view of Tomsen US Patent Publication 2002/0013950 (hereafter referenced as Tomsen).

Regarding claim 18, Aristides is silent about the system further comprising a personal computer coupled to said end user device. Tomsen disclose connecting a set top box to a personal computer which reads on "the system further comprising a personal computer coupled to said end user device" (0058).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Aristides to include connecting a set top box to a personal computer as taught by Tomsen in order to provide more processing power to handle a huge volume of user requests.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY BANTAMOI whose telephone number is (571)270-3581. The examiner can normally be reached on Monday - Friday 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272 7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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